IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JOHNNY BERNAL, on Behalf of Himself and Others Similarly Situated,

Plaintiff(s),

VS. — CA NO. SA-07-CA-0695-XR

VANKAR ENTERPRISES,INC. d/b/a BABCOCK BAR, CHICAGO BAR, INC., and TDS ENTERTAINMENT, INC. d/b/a DIXIE'S COUNTRY BAR,

Defendant(s).

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ORAL DEPOSITION OF

ALISA RICHTER

JULY 16, 2008

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ORAL DEPOSITION of ALISA RICHTER, produced as a witness at the instance of the Defendants, and duly sworn, was taken in the above-styled and numbered cause on the 16th day of July, 2008, from 2:31 p.m. to 6:26 p.m., before Judith A. Stewart, CSR, in and for the State of Texas, reported by machine shorthand, at the offices of EDWARD L. PINA & ASSOCIATES, P.C., 8118 Datapoint Drive, San Antonio, Texas pursuant to the Federal Rules of Civil Procedure and the provisions stated on the record or attached hereto.

Exhibit C

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Q. Okay. Okay. Is there anything else that we haven't covered about that?

A. No, sir.

Q. All right. Did you work at any other bars at that time other than the Babcock Bar?

A. I worked at some of the other Karam bars, yes, sir.

Q. Okay. Which ones?

A. All of them at one time or another.

Q. Okay. And would you follow the same process at each one?

A. Yes, sir. It depended on -- sometimes the GM's there would, you know, have a different way or they might handle the money, you know. Even though I knew how to operate things at Babcock, out of courtesy, you know, I would a lot of times follow whatever they liked to be done because it was their bar and so --

Q. So would it be very similar?

A. Yes, sir.

Q. Okay.

A. As far as the 5 percent, 4 percent. It just -- as far as handling the bank, you know, they all kind of had their own way they wanted to do things. Or they might be there themselves and they would handle it.

Q. All right. Now, let's get back to the Babcock Bar. The tips that you would receive on any given shift, the cash

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MR. DEBES: Objection, form of the question.
THE WITNESS: Can I talk or not?
MR. DEBES: Sure.
THE WITNESS: Okay.
A. The fact that we had to tip out 5 percent of what we made to pay the managers, which at that point, I'd become a manager. And I mean, the fact that, you know, I -- other people were pocketing that money beyond just employees --
Q. (BY MR. PINA) Okay.
A. -- is something that did not set well with me.
Q. All right. How do you think that money was distributed, the money that was -- the 5 percent that went into the envelope?
A. I saw it distributed, so --
Q. Okay.
A. -- I know how it was distributed.
Q. Tell us.
A. It was gathered by Bobby daily, and a couple times both -- there was one incident particular where Bobby, myself and Shelby, he had all the envelopes and had us help him count everything.
Q. Okay.
A. And then say, this goes to Paul, this goes to Manny. Each individual manager of each bar got an envelope. And then Patrick got an envelope and Bobby got an envelope.

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And it did not go to anybody else but those people.

Q. Okay. And you don't know if any other distributions had been made?

A. I know that it was all divided -- all that money was counted and put into those envelopes and given to those people.

Q. Okay. And did you keep any records of that?

A. I don't -- I don't know if I did personally. I might have written some stuff down, but as far as the bar operation keeping record of it, no.

Q. Okay. How about of the distribution part of it?

A. What do you mean?

Q. What you just described.

A. Like record of it?

Q. Yeah.

A. I mean, besides that I helped take it to people or witnessed it being handed out, that's it.

Q. Okay. But did you -- would you-all -- would anybody keep tract, as far as you know from -- you said Shelby Paul and you. Was there anybody else?

A. Yes. In the course of, you know, seven or eight months, there were several other people that kind of came and went.

Q. Okay. Did anybody make an effort to keep track of what was being distributed to whom?

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the bar that day, period.

A. Uh-huh.

Q. Do you recall your attorney asking you whether you personally knew that to be the policy at all three bars?

A. Yes. I think that I filled in -- I thought I was talking about Babcock. Or that, like, I personally knew from experience.

Q. Okay.

A. Was it in regard to all three bars again?

Q. Let me ask you the question. Was that the policy at Babcock Bar?

A. Yes.

Q. How do you know?

A. Because if I was -- if somebody walked a tab or it was short, I would get a phone call. Or if somebody walked tab, I knew it, it was on my shift and I would have to pay it or my register would be short and then I would get a phone call. If my register was short just out of miscalculation, I would get a phone and I would have to pay it.

Q. Okay. When did this occur; do you recall?

A. I don't remember days, but I remember instances vividly because I was not happy when somebody walked out. You know, you turn around and they're gone or their credit card is --

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Q. How was this taken out of your compensation?
A. I had to pay it out -- like I would just pay it from my tips.
Q. Did you get a receipt from that?
A. No, nobody does. Darn it.
Q. Do you have any evidence that you could share with this jury for making any payment for any sales or shortages not entered into the computer?
A. I guess if push came to shove, you always had customers sitting around that witness it, but nobody -- no, it's not documented anywhere.
Q. Okay. Remember taking a look at this Exhibit No. 4 -- Exhibit No. 4 where your name is on some -- I don't know how many pages.
A. Yes, sir.
Q. Is there any evidence here you were docked any pay or any compensation?
A. No, sir.
Q. Okay. Now, you can at least testify as to you and Babcock Bar.
A. Uh-huh.
MR. DEBES: About what?
Q. (BY MR. LOPEZ) As to whether or not -- let me explain this -- as to whether or not any register shortages or sales which were not entered into the the

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